



The House Committee on
HOMELAND SECURITY

Peter T. King (R-NY), Chairman

FOR IMMEDIATE RELEASE

www.homeland.house.gov

Statement of Chairman Michael T. McCaul
Subcommittee on Oversight, Investigations, and Management
“The US Homeland Security Role in the Mexican War
Against Drug Cartels”
March 31, 2011

Good morning. Welcome to this Oversight, Investigations and Management Subcommittee hearing titled “The US Homeland Security Role in the Mexican War Against Drug Cartels”.

Over the past year the increase in violence by the Mexican Drug Cartels has expanded to include more brutal forms of violence and deaths of civilians and political leaders.

- **March 13, 2010** – cartel members killed three individuals (two of them US citizens) connected to the US consulate in Juarez, Mexico.
- **June 28, 2010** – Tamaulipas gubernatorial candidate was killed by a drug cartel.
- **January through October 2010** – 12 sitting mayors were killed.
- **February 15, 2011** – Immigration and Customs Enforcement Special Agent Jaime Zapata was killed and his fellow Special Agent Victor Avila was wounded by the Los Zetas.
- **March 2011** – A Law Enforcement Bulletin warned that cartels were overheard plotting to kill ICE agents and Texas Rangers guarding the border using AK-47s by shooting at them from across the border.

These are acts of terrorism as defined by federal law.

The shooting of Special Agents Zapata and Avila is a game-changer which alters the landscape of the United States' involvement in Mexico's war against the drug cartels.

For the first time in 25 years, the cartels are targeting American law enforcement. Agent Avila described this ambush to me as "pure evil". Even at the Mexican hospital he feared that they would come back and finish the job.

The agents were forced off a highway in Central Mexico in their vehicle bearing diplomatic license plates. Both agents pleaded for their lives in Spanish identifying themselves as United States federal agents. Members of the Los Zetas cartel responded by firing more than 80 rounds from automatic weapons, killing Special Agent Zapata and wounding Special Agent Avila.

I have been in contact with the Department of Justice. I personally met with Agent Avila and he expressed his willingness to testify today. However, given that he is a material witness in an ongoing criminal investigation and for his security, better judgment was to not call him as a witness. His story still needs to be told.

Given this intensified violence, more than 35,000 killings in the past five years and increased spillover crime into the United States, it is time for the United States to take decisive steps to end this war just south of our border. The solution, however, goes well beyond securing our borders.

President Felipe Calderon should be praised for his efforts to eradicate the cartels. When Congressman Henry Cuellar and I visited him in Mexico City in 2008, he told us security was his top priority. He had boldly declared war against the narcoterrorists that were infiltrating his military and local police forces.

In 2008 Congress passed the Merida Initiative, directing \$1.3 billion in resources to help the Mexican government fight the cartels. To date only one quarter of that amount has been directed and the violence in Mexico is only increasing.

The violence is no longer limited to the drug trade. The cartels are disrupting basic services and expanding their criminal enterprises.

Mexico is in danger of becoming a failed state controlled by criminals. If this happens, Mexico could become a safe haven for terrorists who we know are attempting to enter the United States through our porous border. In the interest of our national security, trade with our third largest partner, and our rich cultural ties, we cannot afford for this to happen.

Our hearing today will:

- Review the accomplishments of the Mexican Government's war against the drug cartels;
- Examine the US role in the war;
- Determine the implications for US Homeland Security; and
- Determine what further actions the United States needs to take assisting Mexico win their war.

We should explore a joint military and intelligence operation with Mexico, similar to the 1999 Plan Colombia which has succeeded in undermining that country's cocaine trade, disrupting its cartels and restoring its economic and national security.

In addition, I have introduced legislation requiring the State Department to classify drug cartels as Foreign Terror Organizations as a means to limit the groups' financial, property, and travel interests.

This designation could:

- Bring separate charges against anyone providing "material support or resources" to FTOs. This includes but is not limited to money, identification, lodging, training, weapons and transportation.
- Provide an additional penalty of up to 15 years in prison and possible fine for providing material support or resources. A life sentence may be

imposed if their actions resulted in death. This penalty is levied in addition to penalties for any associated crime.

- Authorize the deportation of any foreign member of an FTO from the United States even if they are in this country legally.
- Require banks to freeze any funds tied to FTOs

Cartels kidnap, kill, and mutilate innocent civilians, elected officials and law enforcement, using gruesome tactics to intimidate government officials and citizens to abide by their rules. Torture, beheadings, dismembering and mutilation are common.

While not driven by religious ideology, Mexican drug cartels operate in the same manner as al Qaeda, the Taliban or Hezbollah each sharing a desire, and using similar tactics to gain political and economic influence. These are acts of terrorism.

Black's Law defines **TERRORISM** as: *activity that... appears to be intended--(i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion, or (iii) to affect the conduct of a government by assassination or kidnapping.*

- According to the Congressional Research Service,

“The massacres of young people and migrants, the killing and disappearance of Mexican journalists, the use of torture, and the phenomena of car bombs have received wide media coverage and have led some analysts to question if the violence has been transformed into something new, beyond the typical violence that has characterized the trade. For instance, some observers have raised the concern that the Mexican DTOs may be acting more like domestic terrorists.”

We must also secure our borders. We must intensify southbound inspections to seize weapons and cash that arm and fund drug trafficking organizations. The United States funnels an estimated \$25-30 billion a year into Mexico which funds

the cartel. We should seize this money then use it against the cartels by paying for US border security operations.

I have visited our troops in Iraq, Afghanistan and Pakistan. But the last time I visited the El Paso Intelligence Center and requested to go across the border to Juarez, the State Department told me they could not guarantee my safety.

It is time for the United States to show a serious commitment to this war on our doorstep.

Before I yield my time, I would like for us all to remember Special Agent Jaime Zapata. Our sympathies go out to his family and friends. Additionally, I want to recognize the heroic efforts of Special Agent Victor Avila, who was wounded during the attack. On behalf of this Committee, thank you to all of our brave men and women who put themselves in harms way for our country.

Also, I'd like to thank our witnesses for being here today. I look forward to hearing their testimony.

###